

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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VINCENT CALABRO,

Plaintiff,

ORDER

-against-

09-CV-4859 (JG)

ANIQA HALAL LIVE POULTRY CORP.,

Defendant.  
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JOHN GLEESON, United States District Judge:

This matter arises out of a dispute over the amount of attorney fees the defendant must pay to the plaintiff. On December 15, 2009, I remanded this case to state court, from which it had been removed on November 9, 2009. Finding that the defendant had alleged “no colorable bases for federal jurisdiction,” *Calabro v. Anika Halal Live Poultry Corp.*, 2009 WL 4893200, at \*3 (E.D.N.Y. Dec. 15, 2009), I also ordered the defendant to pay plaintiff’s legal fees, as well as other costs associated with the removal, in the amount of \$3,575. The defendant appealed my decision to grant legal fees to the plaintiff, thereby causing further legal fees and costs to be incurred by both parties.

After the Second Circuit dismissed the appeal, *see Calabro v. Anika Halal Live Poultry Corp.*, \_\_\_ F.3d \_\_\_, 2011 WL 2279187 (2d Cir. June 10, 2011), the plaintiff requested an additional \$2275 in attorney fees, which was opposed by the defendant. By order dated June 29, 2011, I referred the issue of attorney fees to Magistrate Judge Joan Azrack,<sup>1</sup> who filed a Report and Recommendation on August 11, 2011 recommending that I grant the plaintiff the full

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<sup>1</sup> The parties evidently came to an agreement with regard to fees after a settlement conference held by Judge Azrack on July 28, 2011, but the settlement was never consummated and the dispute remained.

amount requested. The defendant objected to the Report and Recommendation by letter dated August 22, 2011.

Because I agree with the magistrate judge's conclusion, and because I find the defendant's objection to be meritless, I adopt the Report and Recommendation in full. The defendant is hereby ORDERED to pay \$5,850 in attorney fees to counsel for the plaintiff.

So ordered.

John Gleeson, U.S.D.J.

Dated: September 12, 2011  
Brooklyn, New York